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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Drée Ann Cellemme,

Plaintiff,

v.

Mathew G. Whitaker, Attorney General,
U.S. Department Of Justice,

Defendant.

Case No. 2:16-cv-02539-JAD-CWH

**Stipulation of Time to file Joint
Discovery Plan and Scheduling Order**

(Second Request)

COME NOW Plaintiff Drée Ann Cellemme and Defendant Mathew G. Whitaker, Acting Attorney General of the United States Department of Justice, and hereby stipulate and agree to a 120-day extension of time, from February 15, 2019 to June 17, 2019¹, to file their Joint Scheduling Plan and Scheduling Order. An extension is needed because the federal government

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¹ Because the due date falls on Saturday June 15, 2019, the parties have changed the due date to the next business day: June 17, 2019. Pursuant to Fed. R. Civ. P. 6(a)(1)(C), "When the period is stated in days ... if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday."

1 was recently shut down for 35 days and the Pro Bono Liaison has not yet found counsel to
2 represent Plaintiff in this matter.

3 1. At midnight on December 21, 2018, the continuing resolution that had been
4 funding the Department of Justice (“Department”) expired and appropriations to the
5 Department lapsed.

6 2. After 35 days, on Friday, January 25, 2019, the United States Congress enacted,
7 and the President signed, a new continuing resolution funding the Department.

8 3. During the lapse in appropriations, federal law and Department policy prohibited
9 Department attorneys and staff, including defense counsel, from working, even on a
10 voluntary basis, except in very limited circumstances, including “emergencies involving the
11 safety of human life or the protection of property.” 31 U.S.C. § 1342.

12 4. Following the Court’s denial of Defendant’s motion to dismiss, this case was
13 referred to the Pro Bono Liaison for appointment of counsel for Plaintiff. The Pro Bono
14 Liaison, however, has not yet found an attorney to represent Plaintiff in this matter.

15 5. This case presents claims for disability and gender discrimination, both of which
16 are factually and legally complex. The appointment of counsel for Plaintiff by the Pro Bono
17 Liaison would greatly assist Plaintiff in the prosecution of her claims.

18 Accordingly, the parties seek a second extension of 120 days, from the current due
19 date of February 15, 2019 to June 17, 2019, to allow defense counsel to attend to the many
20 deadlines she now faces following the re-opening of the federal government after the 35-day
21 shutdown and to allow Plaintiff to find counsel to assist with her prosecution of the case. *See*
22 Fed. R. Civ. P. 6(b)(1)(A) (“When an act may or must be done within a specified time, the
23 court may, *for good cause*, extend the time...with or without motion or notice if the court
24

1 acts, or if a request is made, before the original time or its extension expires[.]”) (emphasis
2 added).

3 This extension request is made in good faith and not for the purpose of delay.

4 Respectfully submitted this 1st day of February 2019.

5
6 DRÉE ANN CELLEMME

7 Drée Ann Cellemme
8 Pro Se Plaintiff

NICHOLAS A. TRUTANICH
United States Attorney

9
10 s/ Holly A. Vance
11 Assistant United States Attorney

12 IT IS SO ORDERED:

13 
14 UNITED STATES MAGISTRATE JUDGE

15 DATED: February 4, 2019